

# Exhibit 8



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., ( CAUSE NO. 2:21-CV-463-JRG  
)  
Plaintiff, ( )  
vs. ( )  
SAMSUNG ELECTRONICS CO., LTD., ( )  
et al., ( ) MARSHALL, TEXAS  
( APRIL 18, 2023  
Defendants. ) 8:30 A.M.

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VOLUME 3

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP  
UNITED STATES CHIEF DISTRICT JUDGE  
and a jury

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1 THE COURT: Be seated, please.

2 Are the parties prepared to read into the record those  
3 items from the list of pre-admitted exhibits used during yet  
4 yesterday's portion of the trial?

5 MS. TRUELOVE: We are, Your Honor.

6 THE COURT: Please proceed.

7 MS. TRUELOVE: The exhibits that Plaintiff Netlist  
8 used yesterday during trial are the following JTX exhibits:  
9 007, 008, 009, 0011, 0012, 0013, 0014, 0015, 0016, 0026, 0028,  
10 0031, 0037, 0038, 0046, 0060, 0061, 0063, 0065, 0066, 0067,  
11 0068, and 0020.

12 We also used PX 932 and PX 636.

13 THE COURT: All right. Is there any objection from  
14 Defendants as to that rendition from Plaintiff?

15 MS. SMITH: No objection from Samsung, Your Honor.

16 THE COURT: Does Samsung have additional items from  
17 the list of pre-admitted exhibits to read into the record?

18 MS. SMITH: We do, Your Honor. Yesterday Samsung  
19 used DTX 28, JTX 30, JTX 54, JTX 56, and JTX 62.

20 THE COURT: All right. Any objection from Netlist?

21 MS. TRUELOVE: No objection, Your Honor.

22 THE COURT: All right. Thank you, counsel.

23 Doctor Brogioli, are you with us? If you'll return to  
24 the witness stand, please, sir. I remind you, you remain  
25 under oath.

1 less, more than likely somebody's just going to go somewhere  
2 else.

3 So this is important for Samsung to retain its market  
4 position in this product is to use the technology and not try  
5 to sell a slower product.

6 Q. So let's turn to the second category of products, those  
7 DDR4 patents with respect to the '339 Patent. Can you walk us  
8 through what are the key considerations there?

9 A. Sure. Again, the hypothetical negotiation, both parties  
10 have access to this financial information, and they would know  
11 that Samsung has sold \$312.1 million worth of DDR4 infringing  
12 products just during the damages period.

13 And they would also know, as we heard from Doctor  
14 Mangione, that without Netlist technology, the product sold  
15 wouldn't be usable in this two DIMMs per channel configuration  
16 and that the next best alternative would be to try to sell a  
17 bigger DPC LRDIMM at a lower price.

18 Q. Did you calculate out how much of a price difference  
19 there would be if Samsung had to present its customers with  
20 this alternative of the only allowing one per channel rather  
21 than presenting them as they do now with the accused product?

22 A. I did. So I looked at the two DIMM per channel products  
23 prices and compared that to without Netlist technology, a one  
24 DIMM per channel but with a larger capacity, a bigger chip,  
25 and that was more expensive.

1                   THE COURT: All right. Let me see Mr. Cordell,  
2                   Mr. McKeon, and Ms. Smith, together with Mr. Sheasby,  
3                   Mr. Burgess, and Ms. Truelove in chambers.

4                   Otherwise, we stand in recess until tomorrow morning.

5                   (The proceedings were concluded at 5:30 p.m.)  
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